



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David E. Hirth, et al. §
Reissue App. No.: 09/939,227 § Group Art Unit: 3672
Filing Date: Herewith § Examiner: Frank Tsai
For: Reduced Shock Landing Collar § Docket No.: D5407-25
284-09555-US-Re

Commissioner of Patents
Washington, D.C. 20231

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RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed November 19, 2001, Applicant directs the Examiner's attention to the Statement Under 37 C.F.R. §3.73(b) signed by Matt Carson for the assignee Baker Hughes Incorporated and indicating chain of title from the inventor to Baker Hughes recorded at Reel 9072 and Frame 0519. This statement satisfies the requirements of 37 C.F.R. §1.172(a) as requested in paragraph 1 of the Office Action.

The Preliminary Amendment is resubmitted with claims 21-36 underlined, as requested in paragraph 2 of the Office Action.

The allowance of claims 1-20 in paragraph 4 of the Office Action is noted with thanks.

There is no prior art cited against claims 21-36 as the basis for rejection. Instead, the Examiner contends that these claims are tantamount to an attempt to recapture subject matter surrendered in the application upon which this reissue application is based. The stated basis for the rejection is 35 U.S.C. 251. This rejection is based on a misreading of the claims 21-36 and is respectfully traversed.

The Examiner correctly paraphrases issued claim 1 from the issued U.S. Patent 6,079,496. This claim is substantially the same as claim 1 as filed in the previous application. Claim 18, as filed

in the previous application, depended on claim 1 and added the limitation that at least a portion of the seat assembly was non-metallic. Originally filed claim 19 in that application depended on claim 18 and further limited the seat assembly to being entirely non-metallic. Claim 20 depended on claim 19 and recited the movement regulating device to be substantially non-metallic. Claim 1, as filed in the previous application, further defined the seat assembly as a seat supported by a movable body. Claim 3, as filed, further defined the movable body as the first and second movable components. Looking at the Figures, the seat assembly 28 is on the first component 30, which is connected to the second component 32. Claim 4, as filed, defined the housing as separate from the seat assembly, but did not state its construction in that or any other claim. Looking at the Figures, the housing is 12 and the tubular is 10. Referring again to claims 18 and 19, as filed, the only thing claimed to be non-metallic, in whole or in part, was the seat assembly, at most the seat 28 and the first and second components 30 and 32, called the movable body in claim 1, and not the housing 12 supporting those components. Similarly, claim 20 referred only to the movement regulating device.

In this application, claim 21 the body is mounted to the tubular and distinctly refers to the housing 12 of the Figures as being non-metallic. This non-metallic composition of the housing 12 was simply never an element of the claims in the prior application although it was disclosed in the specification. Although the housing was presented in claim 4 of the previous application, the fact that it was non-metallic was never presented. This is precisely the under-claiming error that was the basis for filing this reissue application..

Additionally, the specific materials for the seat as being ceramic (claim 35) or the body being made from one or more of plastic, epoxy, or phenolic materials (claim 36) was also never presented in the prior application.

Referring to the prosecution of the original application, only application claims 1 and 13 were amended to respond to the citation of O'Brien. The only amendment was the addition of the selective regulation feature as to the rate of movement from the first to the second positions to distinguish a shear pin design in the reference. Claim 21 does not attempt to recapture this feature as it is not even an element of the claim. Instead claim 21 attempts to capture the non metallic housing structure, which was originally disclosed and not claimed before.

Allowance of all the claims is respectfully requested.

Respectfully submitted,

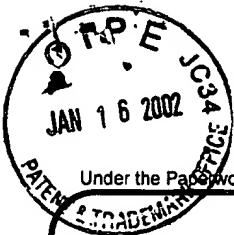
12/7/01
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CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I certify that this document, along with any paper referred to as being attached or enclosed, is being forwarded to the Commissioner for Patents, Washington, D.C. 20231, via the United States Postal Service, as First Class Mail, postage prepaid on this 7 day of December, 2001.

Tracie Thigpen
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/939,227
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First Named Inventor	David E. Hirth, et al.
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Examiner Name	Frank Tsai
Attorney Docket Number	D5407-25

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Reply
- ☐ After Final
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- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
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- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

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- ☐ After Allowance Communication to Group
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- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
corrected Preliminary Amendment
previously filed on August 8, 2001
Acknowledgment Postcard

Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard T. Redano, Duane, Morris & Heckscher LLP
Signature	<i>Richard T Redano</i>
Date	12/07/2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC. 1 on this date: 12/07/2001

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I hereby certify that this document and any referred to as being attached or enclosed is mailed to the Assistant Commissioner of Patents, Washington, D.C. 20231, via U.S. Mail, postage prepaid on the 7 day of December, 2001.

Tracie Thigpen
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